

PHILLIP A. TALBERT  
United States Attorney  
JESSICA A. MASSEY  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DALE WESLEY HUBBARD, and  
DARLENE CRYSTAL VIERA,  
  
Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: January 18, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 18, 2023.
2. By this stipulation, defendants now move to continue the status conference until May 17, 2023, and to exclude time between January 18, 2023, and May 17, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While it is possible that the case may resolve without a trial, this is not yet a certainty. If defendants ultimately do not enter a guilty plea and decide to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the discovery associated with this case includes reports,

1 photographs, and recordings; initial discovery has been provided to defense counsel and the  
2 government anticipates significant additional discovery will be produced. The government is  
3 aware of its ongoing discovery obligations.

4 b) The government is amenable to providing plea offers to defendants if defendants  
5 make such a request.

6 c) Counsel for defendants desire additional time to consult with their clients, to  
7 review the current charges, to conduct investigation and research related to the charges, to review  
8 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to  
9 prepare pretrial motions, and to otherwise prepare for trial.

10 d) Counsel for defendants believe that failure to grant the above-requested  
11 continuance would deny them the reasonable time necessary for effective preparation, taking into  
12 account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by continuing the  
15 case as requested outweigh the interest of the public and the defendants in a trial within the  
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
18 et seq., within which trial must commence, the time period of January 18, 2023 to May 17, 2023,  
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],  
20 because it results from a continuance granted by the Court at defendants' request on the basis of  
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
22 of the public and the defendant in a speedy trial.

23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
25 must commence.

26  
27 IT IS SO STIPULATED.  
28

1 Dated: January 10, 2023

PHILLIP A. TALBERT  
United States Attorney

2 /s/ JESSICA A. MASSEY  
3 JESSICA A. MASSEY  
Assistant United States Attorney

4 Dated: January 10, 2023

5 /s/ KEVIN P. ROONEY  
6 KEVIN P. ROONEY  
Counsel for Defendant  
7 DALE WESLEY HUBBARD

8 Dated: January 10, 2023

9 /s/ BARBARA HOPE O'NEILL  
10 BARBARA HOPE O'NEILL  
Counsel for Defendant  
11 DARLENE CRYSTAL VIERA

12  
13 **ORDER**

14 IT IS SO ORDERED.

15  
16  
17 DATED: 1/11/2022

18 Sheila K. Oberto  
19 Hon. Sheila K. Oberto  
U.S. Magistrate Judge